IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.770 OF 2007
IN
CRI.APPLN.NO.348 OF 2006

Shri Ramswamy Challappa
Devendra and Anr. .. Applicants
Vs
State of Maharashtra, .. Respondent

Mr P.Janardhan with Mr Prakash Naik, for the applicants.
Mr Y.N.Nakhawa, APP for the respondent.

CORAM : D.B.BHOSALE,J.
DATED : 16th AUGUST, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This is the second application filed by the present applicants. Their earlier bail application was rejected on merits vide order dated 7.6.2006. Mr Janardhan, learned counsel for the applicants, invited my attention to the orders passed by the learned Single Judges dated 23.2.2007 and 20.4.2007 on Criminal Application Nos 75 of 2007 and 402 of 2007 respectively and submitted that by those orders, the co-accused, who allegedly played similar role, have been released on bail by this Court and hence prayed for bail on parity. I perused the orders passed by the learned Judges dated 23.2.2007 and 20.4.2007. It appears that when the bail application no.402 of 2007 was argued the order passed

earlier dated 23.2.2007 in Criminal Application No.75 of 2007 was brought to the notice of the learned Single Judge who has so recorded in his order. However, upon perusal of the subsequent orders it is clear that the order passed in Criminal Bail Application No.385 of 2006 dated 7.6.2006 was not brought to the notice of the learned Single Judges who released the co-accused on bail. When I rejected the earlier application, the order was passed on merits and after having considered the entire material on record. The learned APP ought to have brought my earlier order to the notice of the learned Judges who considered the bail applications of the co-accused. In the circumstances, I am not inclined to give benefit of the subsequent orders of bail to the present applicants. The application is rejected.

(D.B.BHOSALE,J.)